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Attorneys for the Federal Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SALLY BURKHART, on behalf of herself )  
THE ESTATE OF DAVID BURKHART, )  
by and through Sally A. Burkhart as the )  
personal representative; and DAVID T. )  
BURKHART, on behalf of himself, )

Plaintiffs,

v.

UNITED STATES; and DOES 1 TO 50,  
inclusive

Defendants.

No. C 07-5467 PJH

**STIPULATION EXTENDING  
DEADLINE FOR COMPLETING  
MEDIATION**

**STIPULATION**

The parties, plaintiff Sally Burkhart on behalf of herself and as personal representative of the Estate of David Burkhart, plaintiff David T. Burkhart and the United States of America (“federal defendant”) hereby stipulate to the following:

1. On February 29, 2008, Sally Burkhart and the federal defendant stipulated to participate in mediation through the Court-administered ADR Unit. On March 3, 2008, the Court issued an order setting the deadline for completing mediation in the above-captioned matter for June 2, 2008.

1       2. On May 13, 2008, the federal defendant filed an administrative motion requesting  
2 extension of the deadline for completing mediation on the ground that Ms. Burkhart had  
3 indicated that she was in the process of obtaining an attorney. The ADR Unit informed the  
4 parties that it would be unable to appoint a mediator while Ms. Burkhart continued her search for  
5 legal counsel because it would be unable to complete a conflicts check.

6       3. On May 14, 2008, the Court issued an order extending the deadline for completing  
7 mediation for 90-days following its decision on the federal defendant's motion to dismiss the  
8 complaint. Currently, the deadline for completing mediation is August 12, 2008.

9       4. Since May 14, 2008, the parties have not been contacted by the ADR Unit and the parties  
10 have not received notice of appointment of a mediator. In addition, on June 4, 2008, plaintiff  
11 David T. Burkhart joined the above-captioned action and plaintiffs filed a first amended  
12 complaint.

13       5. The federal defendant filed a motion to dismiss the first amended complaint on June 18,  
14 2008. The parties seek an extension of time to allow the ADR Unit to appoint a mediator and for  
15 the resolution of the issues raised in the federal defendant's motion to dismiss the first amended  
16 complaint prior to mediation. For these reasons, the parties stipulate to extend the deadline for  
17 completing mediation to 90-days following the filing of the Court's order on the federal  
18 defendant's motion to dismiss the first amended complaint.

19 IT IS SO STIPULATED.

20  
21 DATED: August 7, 2008

Respectfully submitted,

22 JOSEPH P. RUSSONIELLO  
23 United States Attorney

24 /s/

25 JENNIFER S WANG  
26 Assistant United States Attorney  
27  
28

1 DATED: August 6, 2008

2  
3 /s/  
SALLY BURKHART

4 DATED: August 6, 2008

5 /s/  
DAVID T. BURKHART

6  
7 **[PROPOSED] ORDER**

8 Pursuant to the parties' stipulation and good cause having been shown, it is ordered that,  
9 the deadline for completion of mediation is extended to 90-days following the filing of the  
10 Court's Order on defendant's motion to dismiss the first amended complaint.

11  
12 IT IS SO ORDERED.

13 DATED: 8/8/08

